IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE SEVENTEENTH DAY OF JANUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE N.V. RAMANA

WRIT PETITION NO : 24148 of 2004

Between:

1.. Raparthi Hanumantha Rao, S/o. Laxmaiah,
R/o. Gadicherla, Nakkapalli Mandal, Visakhapatnam District.
2.. Raparthi Kondalrao, S/o. Laxmaiah,
R/o. Gadicherla, Nakkapalli Mandal, Visakhapatnam District.

.. PETITIONERS

AND

1.. The Mandal Revenue Officer, Nakkapalli Mandal, Nakkapalli,
Visakhapatnam District.
2.. The Authorized Officer-cum-Revenue Division Officer, Narsipatnam,

Visakhapatnam District.
3.. The Government of Andhra Pradesh, Rep by the District Colletor,

Visakhapatnam District, Visakhapatnam.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ of Mandamus or any other appropriate Writ, Order or Direction, directing the respondents to pay the compensation payable to the petitioner under the A.P. Land Reforms Act for their extent Ac.7.05 cents in S.Nos.192/3 and 193/1 of Donkada Village, Nakkapalli Mandal before taking physical possession of the same and pass such further or other order or orders

Counsel for the Petitioner:MR.M.SRINIVASA RAO

Counsel for the Respondent No.: GP FOR REVENUE

The Court at the stage of admission made the following :

ORDER:

The petitioners claim to be owners of land in an extent of Ac.7.05 cents in Survey Number 192/3 and 193/1, Donkada village, Nakkapalli Mandal, Visakapatnam. It is also stated that the subject land and another piece of land of petitioners were deemed to have been vested in Government towards surplus holding under A.P. Land Reforms Act. However, the petitioners claim that they are in physical possession of the said land and cultivating the same through tenants/crop sharers. While so, a notice dated 9-12-2004 was issued to the petitioners, informing that the revenue officials are visiting the subject lands together with police on 10-12-2004 to conduct a survey. The petitioners contend that they are in physical possession of the subject land and cultivating the same and without paying any compensation, they cannot be evicted. Hence, the present writ petition.

Heard learned counsel for petitioner and learned Government Pleader for Revenue. Both counsel agreed for disposal of the writ petition at the stage of admission.

The learned Government Pleader for Revenue submitted that petitioners themselves had handed over the possession of the subject land to the revenue department and produced the relevant record to that effect.

On the other hand, learned counsel for petitioners submitted that petitioners may be permitted to harvest the standing crop.

The record produced before this Court reveals that the possession has already been delivered to the Revenue department and the land in question vests with the Government. It is well settled principle of law that when once the land is vested with the Government, this Court in exercise of its jurisdiction under Article 226 of the Constitution of India cannot direct the respondents to re-deliver the same. As regards permission to harvest the existing crop, if any, the petitioner is at liberty to file an application before the first respondent-Mandal Revenue Officer and on filing

such an application, the first respondent is directed to pass appropriate orders thereon expeditiously. In these circumstances, I see no reason to interfere with the matter.

Subject to above, the writ petition is dismissed. No costs.

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N.V.RAMANA,J

17TH JANUARY, 2005
TVK

..... REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1.. The Mandal Revenue Officer, Nakkapalli Mandal, Nakkapalli, Visakhapatnam District.
2.. The Authorized Officer-cum-Revenue Division Officer, Narsipatnam,

Visakhapatnam District.
3.. The District Collector, Visakhapatnam District, Visakhapatnam.

4.. Two CCs., to the Government Pleader for Revenue, High Court Buildings, A.P., Hyderabad (OUT).

5.. Two CD copies.

*Form-NIC-OGS/WP{**RLD**}*